

# COMMUNICATIONS ADVISORY COUNSEL LLC

2154 Wisconsin Avenue N.W.  
Washington, D.C. 20007

Tel. 202-333-5273  
Fax 202-333-5274

Sylvia Lesse  
[sylvia@Independent-Tel.com](mailto:sylvia@Independent-Tel.com)

May 1, 2008

## ***Via electronic filing***

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Cable & Communications Corporation  
CC Docket No. 94-102  
May 1, 2008 Report

Dear Ms. Dortch:

Pursuant to the Commission's *Order*,<sup>1</sup> Cable & Communications Corporation ("C&CC") hereby submits the following report on its progress in achieving the goal of 95% penetration of ALI-capable handsets among its subscribers.

## **Summary**

As reported,<sup>2</sup> C&CC has achieved the 95% penetration benchmark through an aggressive compliance program, including the substitution of subscribers' analog handsets with expensive digital handsets at no cost (and no service commitment) to the subscriber. C&CC estimates that this program (together with other promotional undertakings over the 2¼-year total waiver period)<sup>3</sup> has cost approximately \$ 50,000. Nonetheless, during this same time frame, C&CC has continued to improve and expand its coverage. C&CC plans to add ten more wireless sites this year alone.

C&CC has maintained and will continue to maintain regular communications with public safety officials. C&CC received its first Phase I or Phase II requests for C&CC service area only

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<sup>1</sup> *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Petition for Extension of Waiver by Cable & Communications Corporation, *Order*, DA 07-4394 (rel. Oct. 26, 2007) ("*Order*"). The *Order* granted Cable & Communications Corporation ("C&CC") an extension through April 26, 2008 within which to meet the requirement of Section 20.18(g)(1)(v) that 95% of the handsets used by its subscribers be location-capable, subject to specific conditions and reporting requirements.

<sup>2</sup> See C&CC Compliance Report, filed March 27, 2008, reporting achieving a 95.19% penetration rate on March 21, 2008.

<sup>3</sup> C&CC's original waiver request (filed December 13, 2005) projected a compliance time frame of 2½ years, but the company was granted only approximately three-quarters of the time originally requested to meet the 95% ALI-compliant requirement (*In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Petition for Waiver by Cable & Communications Corporation, *Order*, FCC 06-39 (rel. Mar. 23, 2006). C&CC's request for extension of the September 23, 2007 deadline (filed July 19, 2007) resulted in the *Order's* grant of a further extension through April 26, 2008.

after having achieved the 95% penetration mark. At no time during the waiver period was public safety diminished or adversely affected – in fact, because of continually expanding service area and improved service, public safety was enhanced because access to basic service was increased.

### **Report**

Pursuant to paragraph 15 of the *Order*, C&CC provides the following information:

**(1) The number and status of Phase II requests from PSAPs (including those requests it may consider invalid):**

As reported below, C&CC only recently received its first two Phase I/Phase II requests with respect to its current service territory. In addition, C&CC recently received a request for Phase I and Phase II capability from Roosevelt County, Montana. C&CC does not currently provide service in Roosevelt County and so informed the requesting PSAP, suggesting that Phase I and Phase II implementation occur within six months of the date that service (if any) is extended into Roosevelt County. The PSAP has agreed to that schedule.

**(2) The estimated dates on which Phase II service will be available to PSAPs served by its network:**

<u>PSAP</u>	<u>Anticipated PSAP Implementation Date</u>
Miles City, MT Police Dept.	Phase I /Phase II request dated April 1, 2008 (timely implementation anticipated)
Garfield County, MT Sheriff's Office	Phase I /Phase II request dated April 1, 2008 (timely implementation anticipated)
Glendive, MT Police Department	Anticipate issuance of Phase I and Phase II request soon
PSAP for Fallon, Carter, Prairie, and Wibaux Counties, MT	Phase I request anticipated very soon
Petroleum County, MT	No plans to make Phase I or Phase II request
Slope and Bowman Counties, ND	Phase I and Phase II capable; no request received
McCone County, MT	Working on Phase I capability
Powder River County, MT	No plans to make Phase I or Phase II request

Ms. Dortch  
May 1, 2008  
Page Three

**(2) The estimated dates on which Phase II service will be available to PSAPs served by its network (con't):**

<u>PSAP</u>	<u>Anticipated PSAP Implementation Date</u>
Richland County, MT	No plans to make Phase I or Phase II request
Rosebud County, MT	Anticipate Phase I and Phase II requests in July, 2008
Musselshell County, MT	Anticipate Phase I and Phase II requests by the end of the year
Fergus County, MT	Anticipate Phase I and Phase II requests by summer, 2008

**(3) The status of its coordination efforts with PSAPs for alternative 95% handset penetration dates**

All PSAPs will be served with a copy of this filing. Ms. Dortch

**(4) Efforts to encourage customers to upgrade to location-capable handsets:**

C&CC continues to provide monthly information to subscribers regarding the benefits of owning a digital phone through monthly billing inserts.

**(5) Percentage of customers with location-capable phones:**

C&CC reports that, as of April 15, 2008, approximately 96.52% of the handsets used by its customers were ALI-compliant.

**(6) Status in achieving compliance and whether it is on schedule to meet the revised deadline**

C&CC met the 95% penetration rate on March 21, 2008.

Please direct any questions or correspondence concerning this matter to this office.

Respectfully submitted,

  
Sylvia Lesse

# **DECLARATION OF GERRY ANDERSON**

I, Gerry Anderson, General Manager of Cable & Communications Corporation, do hereby declare under penalty of perjury that I have read the foregoing "May 1, 2008 Report" and that the facts stated therein are true and correct, to the best of my knowledge, information and belief.

April 29, 2008

Date

A handwritten signature in cursive script, appearing to read "Gerry Anderson", written over a horizontal line.

Gerry Anderson

**Certificate of Service**

I, Sylvia Lesse, of Communications Advisory Counsel, LLC, hereby certify that on this 1<sup>st</sup> day of May, 2008, I caused to be delivered, via first-class US mail, postage prepaid, a copy of the foregoing "May 1, 2008 Report" on the following:

Captain Kevin Krausz  
Miles City Police Dept.  
PSAP for Custer Co & Garfield Co, Montana  
2420 Bridge Street  
Miles City MT 59301

Sheriff Kelly Pierson  
Garfield County Sheriff's Office  
PO Box 103  
Jordan MT 59337

Chief Alan Michaels  
Glendive Police Department  
PSAP for Dawson Co, MT  
PO Box 1372  
Glendive MT 59330

Chuck Lee  
PSAP for Fallon, Carter, Prairie & Wibaux Co's, MT  
PO Box 1061  
Baker MT 59313

Jim Kenner, IT Dept  
Rosebud Co Sheriff's Office  
PO Box 85, 180 S 13<sup>th</sup> St  
Forsyth MT 59327

Sheriff Rusty Jardee  
Carter County Sheriff  
PO Box 323  
Ekalaka MT 59324

Russ Lindblom  
North Dakota 911 Manager  
PO Box 877  
Bismarck, ND 58502-0877

Sheriff Tom Killham  
Fergus County PSAP  
712 West Main  
Lewistown MT 59457

Jeff Cohen\*  
Public Safety & Homeland Security Bureau  
Federal Communications Commission  
445 Twelfth Street SW  
Washington DC 20554

Derek Poarch, Chief\*  
Federal Communications Commission  
445 Twelfth St SW  
Washington DC 20554  
445 Twelfth St, SW  
Washington, DC 20554

Sheriff William Klunder  
Prairie County Sheriff's Office  
PO Box 126  
Terry MT 59349

Sheriff Darby S. Harrington  
Wibaux County Sheriff's Office  
PO Box 322  
Wibaux MT 59353

Sheriff Dave Harris  
McCone County Sheriff's Office  
PSAP for McCone County, Montana  
905 B Avenue, PO Box 201  
Circle, MT 59215

Sheriff John Blain  
Powder Riv. Co. Sheriff's Office  
PSAP for Powder River Co., MT  
Box 71 Courthouse Square  
Broadus MT 59317

Sheriff Brad Baisch  
Richland County Sheriff's Office  
PSAP for Richland Co., MT  
110 2<sup>nd</sup> Ave NW  
Sidney, MT 59270

Lisa Solf  
Petroleum County PSAP  
PO Box 226  
Winnett, MT 59087

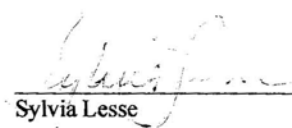
Ron Solberg  
911 Director  
Musselshell County PSAP  
704 First Street East  
Roundup MT 59072

Vickie Delger  
Roosevelt County Commissioner  
9-1-1 Advisory Board  
400 2<sup>nd</sup> Avenue South  
Wolf Point MT 59201

Karla Germann  
Slope & Bowman Co's ND  
PO Box 453  
Bowman ND 58623

Rosebud County Sheriff's Office  
Box 85, 180 S 13<sup>th</sup> St  
Forsyth, MT 59327

\* Via electronic mail

  
Sylvia Lesse